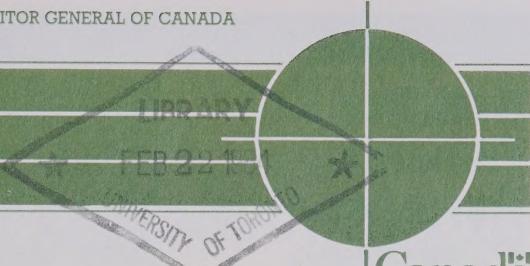


A NEWSLETTER OF THE FIREARMS POLICY CENTRE OF THE SOLICITOR GENERAL OF CANADA

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Canada

Volume 3, No. 1, February 1984

No Major Policy
Changes In Proposed
Code Amendments

A large number of amendments to the Criminal Code's firearms provisions have been proposed by the Hon. Bob Kaplan and released for public comment as an omnibus bill by the Ministry of Justice. These proposed amendments are targeted at correcting administrative or other technical problems which have cropped up since the firearms law was passed in 1977. The proposed amendments are not substantive policy changes but rather are housekeeping measures.

Four major points which deal with American shooters in Canada, corporate Firearms Acquisition Certificates, discretionary prohibitions and the removal of ammunition sales permits illustrate the proposed amendments and set the tenor for the changes.

American and other non-resident sport shooters and competitors who bring restricted weapons into Canada for use in target shooting or sporting events, approved by the Chief Provincial Firearms Officer of the province, will be able to obtain a permit to carry for this purpose.

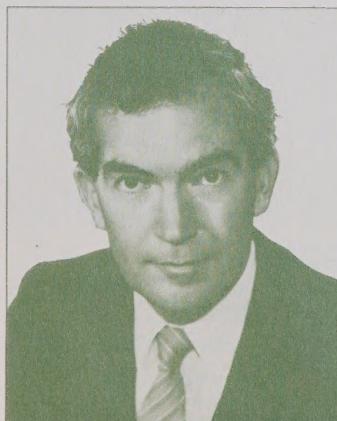
Banks, security firms and armoured car carriers would benefit from proposed amendments concerning corporate versus corporate-officer FAC requirements. Presently, an FAC can only be issued to a person, not a business. As a result, firms have been registering weapons in the name of corporation officers. Proposed amendments would allow corporate FACs to be issued to these types of businesses instead. Employees would then be able to use weapons registered to the firms.

As illustrated in the case of *Regina versus William Weyallon* (see: "N.W.T. Court Varies... Prohibition" in this issue), an

amendment has been proposed that would give courts the discretion to waive a prohibition order if an individual requires firearms for sustenance; provided the court believes the person is not likely to be a danger to himself or others. Currently, people convicted of an indictable offence involving violence are presently prohibited from possessing firearms and ammunition.

Ammunition dealers involved in the sales of ammunition only will benefit from the proposed amendment which would remove licensing requirements under the Criminal Code.

Other amendments contained in the proposed changes are designed to more clearly define relevant sections of the Act. For example, they would allow a person to recover lost or stolen firearms without having to have an FAC.



The Hon. Bob Kaplan, Solicitor General

F.A.C.s
Expiring

Firearms Acquisition Certificate holders are being reminded that those Certificates issued in 1979 will soon be expiring and that there is no automatic renewal process. Check the expiry date of your own, your customers' or your friends' Firearms Acquisition Certificates.

If your Certificate is expiring, and you wish to acquire additional firearms, a new Certificate will be needed before any transaction or acquisition can take place.

To reapply, repeat the original application process. The yellow forms are available at the post office, police departments and at most gun stores. The cost of the Certificate is still \$10 and the validity is five years from date of issue.

The responsibility lies with the individual to see that he or she has a valid FAC before acquiring any firearm. Pass the word along to your friends.

Atlantic
hunters;
big numbers

New Brunswick has been found to have the highest level of hunting participation in Canada, according to information contained in the 1981 National Survey Highlights. Quebec, Ontario and British Columbia have the lowest rates of participation; lower than the national average of 9.8 hunters per 100 population (taken during the survey period).

The second-highest level of hunting participation is Newfoundland while Ontario is the lowest: 7.3 hunters per 100 population. For comparison, New Brunswick has 20 hunters per 100 population; Newfoundland 19.9 and Nova Scotia 16.3.

Solicitor General Releases Final Evaluation Report

The final report by Decision Dynamics Corporation on the "Evaluation of the Canadian Gun Control Legislation" was released on August 19, 1983. This last report in a series of three discusses a number of findings of relevance to the interest community and legislators alike.

Some of the report's principal findings are that

- the number and length of prison sentences for firearms crimes have increased;
- the number of firearms charges laid have increased;
- sentences for repeat offenders have increased;
- murder by firearms, as a percentage of all murders and in absolute numbers, declined;
- there has been a displacement of firearms by other weapons in some crimes, particularly robbery;
- accidents with firearms were declining prior to 1978 but have declined even more after 1978;
- there has been a moderate decrease in suicides committed with firearms.

Solicitor General Kaplan has invited the public to write him with their comments on the evaluation.

"I want to give the general public and all firearms interest groups the opportunity to give me their views on how the gun control program has been working," Mr. Kaplan said.

The report is available for \$8. postpaid from the Canadian Government Publishing Centre, Supply and Services, Ottawa, Ontario K1A 0S9.

Questions Answered

The Firearms Policy Centre, responsible for policy development, public relations, creation of information materials and fostering firearms law awareness, welcomes public requests for information and input on all aspects of firearms policy.

There are four people on staff. Mr. Nick Austin, Coordinator; Ms. Virginia Kuash, Assistant Coordinator; Mr. Stan Broski,

Inside The Final Evaluation

Decision Dynamics Corporation has now concluded the evaluation study and their reports on the effectiveness of gun control in Canada. The third, and final, report has been published and is now available through the Department of Supply and Services, government bookstores and many libraries. For those readers who may have missed the chronology of events, here's what the final volume consists of.

Overall, the research addresses in statistical and narrative format the question of how the gun control legislation has influenced the misuse of firearms in Canada, whether criminally or unintentionally. The report comes in the form of a 217-page, soft-cover 6 x 9" book.

The fastest way to find out "what happened" is by diving into the 'Executive Summary', a ten-page condensation of the salient points. There you will find such subjects as The Incidence of Firearms Crimes; Characteristics of Firearms Crimes; Non Criminal Incidents With Firearms and how legislation and implementation tied together . . . plus their effects.

The meat of the study is in Chapter Two. It addresses questions like:

- Has there been any change in the use of firearms in murders and homicides?
- Has there been any change in the use of firearms in assaults?
- Robberies?
- Has there been a change in the number of weapons offences involving firearms?

Occurrences like hunting accidents, other accidents with guns and suicides are bundled together under the heading of "Non-Criminal Firearms Accidents" in Chapter Three. For example, the numbers of hunting-related accidents have been continually declining. The study noted that these declines have occurred after hunter-safety programs were introduced.

Chapter Four, "The Implementation and Effect of Legislative Provisions" contains data of interest concerning the

screening of FAC applicants and handgun-related statistics, for example. In the latter case, registrations of handguns climbed between 1980 and 1981 but were still below the 1978 level of activity.

Carrying permits issued across the country have been an interesting barometer of legitimate handgun use in Canada. Provincially, British Columbia was found to have the highest numbers of carrying permits issued for their population base versus the other Coast. Atlantic Canada was found to have the lowest number of permits issued.

Criticisms that were raised in the report included 'Search and Seizure' records keeping and the returns procedure that is to be used every time a seizure of firearms is made.

In the report's final recommendation, a number of points were made of which some have already been acted upon by Solicitor General Canada. (See: "... Proposed Code Amendments" in this issue.)

- More precise procedural guidelines should be provided regarding the conduct of various hearings provided for in the legislation, e.g. the FAC reference, the s.98 (6) pre-emptive prohibition application and the s.101 search and seizure hearing.
- The application of return procedure following a s.101 search and seizure needs to be more clearly delineated.
- The mandatory provisions of the s.98(1) and s.83 prohibition orders should be emphasized to Crown Attorneys and judges. One means may be by having the legislation cross-reference s.83 and s.98(1).

The author concludes the study by noting that future evaluations could be made simpler and more accurate by ensuring more uniform definition of crime statistics and methods of collecting crime-related data.

While the final report is \$8, the Firearms Policy Centre's "Evaluation of Firearms Control in Canada", a 39-page summary booklet, is free for the asking.

Senior Firearms Analyst and Mrs. Murielle Lepage, Secretary.

Requests for information can be addressed to:

Firearms Policy Centre
340 Laurier Ave. W.
Ottawa, Ontario
K1A 0P8

Or, telephone (613) 593-4995

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ISSN 0715-9404

NAACO: The great Canadian mixup

By G.N. Ted Dentay



Government Model .45 versus Brigadier.

Old John Millard, the dean of firearms registrars until his untimely death a few years ago, was probably one of the best-informed officials in Canada. Surrounded by clutters of books, stacks of papers and an ever-present halo of pungent pipe smoke, he turned his occupation into a profession. Millard was a gun expert as well as a top-notch registrar.

One day while waiting for some documentation in his office, I chanced to overhear a vigorous debate about a .45 pistol.

"Oh, yeah . . .", I recall hearing a voice say, ". . . this is the North American Arms Brigadier."

So somewhere that day a .45 Automatic went to a collector bearing the mistaken "Brigadier" label. Although it was incorrect, the confusion is easy to understand.

Between 1918 and the early 1960s, Canada has been involved in the production (or produced) a number of .45 ACP pistols based on the original Colt M1911 design. During that time, there have been two separate and distinct North American Arms Corporations. And there was also a third; a stranger.

The first North American Arms Corp. was located in either Sherbrooke or Magog, Quebec during World War One. The other

North American Arms was located in Toronto during the late 1950s and into the early 1960s. The stranger, Caron Brothers Manufacturing of Montreal, existed during the time of NAACO/Quebec. Their common focus was the .45 pistol.

It must have been the armistice of 1918 (November 11th) that signalled the end of arms production for both NAACO/Quebec and Caron Brothers. Of the two, only NAACO/Quebec produced any guns. About 100 M1911 Government Models are thought to have been manufactured in 1918.

It was one of these pistols that had been brought to Millard for registration on that day, years ago. And there's no question that it is both a unique piece of Canadiana and a rare and valuable collector's variant. But it's not a Brigadier.

The Brigadier label belongs to one pistol only that was the North American Arms Corp. (Toronto) attempt at producing a hybrid sidearm for the Canadian Army in 1959. It was designed as a pistol that could be converted into a submachine gun or carbine. Since the idea was fanciful at best, only one Brigadier was ever produced and no "Borealis" carbines ever saw the light of day.

Actually, the Brigadier is an interesting, if impractical, gun. Of immense propor-



tions, and borrowing heavily from a number of gun designs (including Browning's), it weighed 51 ounces when fully loaded with the upscaled .45 rimless cartridge. In fact, this cartridge is being commercially manufactured today by Winchester as the ".45 Magnum" for use in the Wildey gas-operated metallic silhouette pistol.

The cartridge, which shoots a standard 230-grain full metal jacket (FMJ) service bullet, was neither an invention of Winchester/Wildey's or NAACO's. Back in 1921 when General J.T. Thompson was working on the submachine gun which bears his name, the .45 Remington-Thompson cartridge was developed. It bears a remarkable resemblance to the two more contemporary .45 ACP derivatives. The case is substantially longer than the .45 Auto and the bullet's muzzle velocity is substantially higher: 1,600 feet per second versus 805 feet per second for the .45 ACP military ball cartridge.

These three Canadian companies never quite "made it". In fact, very few who have attempted to commercially manufacture firearms in Canada have. If you ever run across a Harrington and Richardson shotgun or rifle that bears the stamp "Made In Canada", you'll see what I mean. But that's another story.

N.W.T. Court Varies Firearms Prohibition

YELLOWKNIFE – In a judgment passed down on August 19th, 1983, Supreme Court of the Northwest Territories Justice T. David Marshall has decided that Section 12 of the Canadian Charter of Rights and Freedoms takes precedence over Section 98(1) of the Criminal Code of Canada.

The five page judgment, addressed to the Crown's application for a five-year firearms prohibition against the accused, noted the reasons for judgment. Section 98(1) of the Criminal Code provides for a mandatory prohibition where a person is convicted of an indictable offense "... in the commission of which violence against a person is used."

William Weyallon, a Fort Rae resident, was convicted of rape and, as such, should normally have been prohibited possession of firearms. However, Justice Marshall noted, there were two notable circumstances in the case.

Evidence of weapons use in the offense was not presented. The defendant was demonstrably dependant on hunting and trapping for which a firearm is a necessity.

Since Section 12 of the Charter deals with cruel and unusual punishment, the judge felt that justice would not be served by the inclusion of a prohibition.

"... the accused derives his livelihood from the use of his gun," he wrote. As such, a prohibition would not be in the best interests of the accused, his family or community since all rely, to some degree, on hunting and trapping.

In conclusion, Justice Marshall's decision referred to proposed amendments of Section 98 in the Criminal Code by the Minister of Justice and Attorney-General of Canada. The proposed amendment, Marshall wrote, is aimed at giving a court the discretion to waive a prohibition order "... if the individual requires a firearm to sustain himself and his family, provided the court is of the opinion that the person is not likely to be a danger to himself or others." Therefore, Justice Marshall felt that "In my view, the Charter anticipates the amendments."

In discussing the effect of this precedent, the judge also pointed out that "It will not be in every case that Section 12 will strike down Section 98(1) of our Criminal Code. In most cases it will not . . .".

Firearms Advisory Council update

Intense interest in the National Advisory Council on Firearms from many groups within the firearms interest sector was expressed when it was first formed on February 23, 1979. The council still sits and its role is to review policy and legislative issues related to the firearms control program and to advise the Solicitor General of Canada accordingly.

The NACF represents special interests

within the sectors affected by firearms related legislation. Interest areas represented include: Law Enforcement; Native Peoples; Competitive Shooting; Industry and Business; Conservation; Hunting; Forensic Medicine; Trapping; Media and Collecting. Representation is drawn through groups and individuals from every part of Canada.

Hunting Big In Canada

Canadians have a higher per-capita rate of hunting than their American neighbours. That's one of the findings of the National Wildlife Survey 1981, a study which was undertaken between February 22 and May 7, 1982 under the guidance of the Special Surveys Group of Statistics Canada and its 1200 enumerators across the country.

9.8 percent of the Canadian population have recorded hunting participation, a figure which is slightly higher than the American average of 8.7 percent. In 1981, hunters across Canada spent an estimated

\$1.2 billion on the sport, or about \$602 per hunter, and a total of 32.2 million hunting days were reported with the average hunter spending about 17.9 days hunting during the year.

The survey found that a significantly higher proportion of respondents indicated interest in participating in hunting and non-hunting activities than actually did so. In other words, more people have expressed an interest in hunting than actually did so.

Canada's Favourite Hunt Is...

According to the National Survey on the Value of Wildlife to Canadians, issued this year by the Ministry of Supply and Services, bird hunting (other than waterfowl) topped the list as Canada's favourite hunting sport.

Of the four categories listed in the survey (waterfowl, other birds, small mammals and large mammals), the "Other Birds" category attracted 5.3 percent of the Canadian population.

The other categories listed above fared like this:

- Waterfowl – 3.6 percent
- Small Mammals – 5.0 percent
- Large Mammals – 5.1 percent

The survey was published by the Canadian Wildlife Service, Environment Canada, for the 47th Federal/Provincial Wildlife Conference in 1983.

Safety Filmstrip Wins Award

"Shoot Like A Pro", a recently created firearms safety filmstrip, was awarded a "Certificate of Creative Excellence" at the 1983 United States Industrial Film Festival in Chicago. The prize-giving ceremony took place on May 20, 1983.

The sound filmstrip, in dealing with the specialized knowledge and responsibilities that accompany the ownership and use of a firearm, shows what happens when safety rules are ignored.

"Shoot Like A Pro" was produced for the Solicitor General of Canada by the National Film Board and is being distributed by:

McIntyre Educational Media, Ltd.
30 Kelfield Street
Reddix, Ontario
M9W 5A2

Des nouvelles du Comité

On chasse beaucoup au Canada

On a dénombré un plus grand nombre de personnes qui ont manifesté de l'intérêt pour la chasse et les activités connexes que celles qui ont obtenu des connaissances qui y ont participé.

La Cour suprême des T.N.-O. et l'ordonnance d'interdiction

De proportions énormes, il copie les caractéristiques de pluieuses autres pistolets (non de Browning), pese 51 onces mais fait charge de grosses cartouches de calibre .45 à la puissance centrale. Ces cartouches sont munies de pointes à gaz. Wildley a inventé les .45 Magnum accueillies par les marchés, pour le pistolet à gaz Wildley à silhouette métallique.

En fait, le pistolet "Brigadier" est une arme intéressante, quoique peu pratique.

La première North American Arms Corp. fabrique 1518 fusils qui sont utilisés dans la production d'un produit des pistolets 45 ACP d'après le modèle 1911 de Colt. Les fabricants canadiens participent à la production d'armes (un fusil au Québec, à partir de la première moitié de l'année 1989, d'après la demande de la compagnie). La première compagnie à fabriquer des armes au Québec, à partir de la première moitié de l'année 1989, d'après la demande de la compagnie.

45 automatiqe sous le nom errone de
"Brigadier". C'est une erreur qui s'expli-
que aisement.

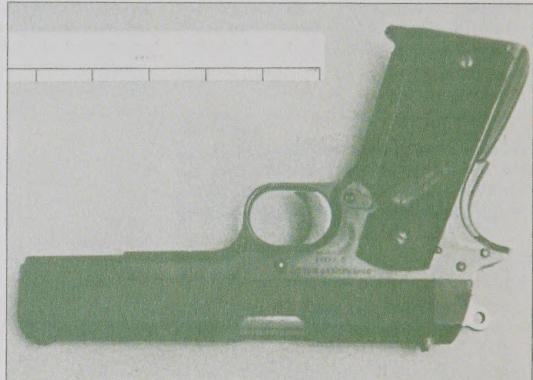
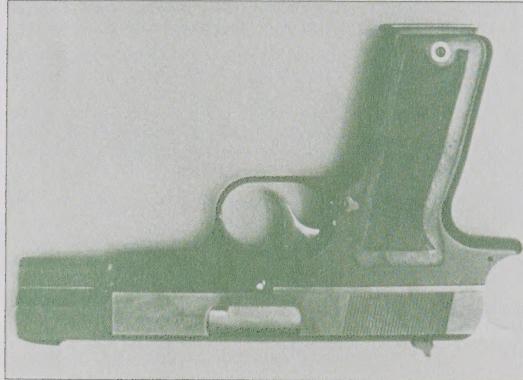
“Ah oui . . .” disait quelqu’un . . . “c’est
d’un pistolet de calibre .45.

Je passeais un jour à son bureau, et pen-
dant que j'attendais que l'on m'apportât de
la documentation, je fus témoigné invulon-

trialle une réputation d'expert en armes à feu et de proposer à l'engagement de pre-mier ordre.

John Millar, mathématicien de l'Acadie, a démontré que l'application de la méthode de l'aire à la construction de l'arc de cercle, dans le cas où l'aire de l'arc est égale à l'aire d'un rectangle de la même hauteur et de la même largeur que l'arc, est une approximation qui devient meilleure lorsque l'aire de l'arc est plus grande que l'aire du rectangle. Il a démontré que cette approximation devient meilleure lorsque l'aire de l'arc est plus grande que l'aire du rectangle.

e calibre .45 modèle Government compare au Brigadier



Par G.N. Ted Denley

NACO: une m  prise canadienne

VIENNA PARADE

